

REMARKS

Claims 1-16 are pending in the present application. Of those, claims 1, 7, 11, 13 and 16 are written in independent format.

SPECIFICATION OBJECTION

On page 2 of the Office Action, objections are made to a couple of typographical errors in the specification. Applicant thanks the Examiner for the close review given to the present application, reflected in part by her having spotted the typographical errors. By this reply, the typographical errors have been corrected. Accordingly, withdrawal of the objection is requested.

CLAIMS OBJECTION

On page 2 of the Office Action, objections are made to claims 3-4 as being of improper dependent form. By this reply, clarifying changes have been made to claim 3, which should resolve the Examiner's concern as to claim 3 (and claim 4 dependent thereon). Accordingly, withdrawal of the objection is requested.

§102 REJECTION

Beginning on page 2 of the Office Action, claims 1-3 and 5-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pre-Grant Publication ("PGPub") No. 2004/0114481 to Shim et al. ("the Shim '481 PGPub"). Applicant traverses the rejection, as explained below.

Applicant submits that the Shim '481 PGPub is not prior art against the present application because the Shim '481 PGPub has a U.S. filing date of September 2, 2003, which is not earlier than the effective filing date of Applicant's Korean priority document No. 10-2002-0055471, namely, September 12, 2002. Accordingly, in order to perfect the present claim to a priority date of September 12, 2002, enclosed is an accurate English translation of Korean priority document No. 10-2002-0055471.

Because the Shim '481 PGPub does not constitute prior art against the present application, it cannot provide a proper basis for a rejection under 35 U.S.C. §102(e). Accordingly, withdrawal of the rejection is requested.

§103 REJECTION

Beginning on page 6 of the Office Action, claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,934,236 to Lee et al. ("the Lee '236 patent") in view of U.S. Patent 4,949,332 to Veenis et al. ("the Veenis '332 patent").

The Examiner asserts (see page 7 of the Office Action) that the Veenis '332 patent teaches a "Lead-In area having a straight pit-shaped line," and that it would have been obvious to modify the Lee '236 patent according to what is assertedly taught by the Veenis '332 patent. Assuming for the sake of argument that the asserted combination would have been made, the result renders the rejection improper.

The Lee '236 patent is directed to an information storage medium that can include CD-Rs, CD-RWs, DVD-RWs, DVD-RAMs, DVD+RWs, etc. In column 6, line 18, the Lee '236 patent teaches that a minimum length of a recording mark on the information storage medium is 3T.

The Veenis '332 patent is silent as to the minimum length of pits in the Lead-In area. Elsewhere (e.g., column 1, lines 33-35), however, it is clear that the Veenis '332 patent is directed only to a CD-format disc. The skilled artisan would have understood that the minimum pit length of a CD-format disc would have been greater than, e.g., the minimum pit length of the Lee '236 patent, namely greater than 3T.

A distinction of amended claim 1 over each of the Lee '236 patent and the Veenis '332 patent is a Lead-In area having minimum pit length at least as small as 2T. Again, the Lee '236 patent teaches a minimum pit length of 3T, and that of the Veenis '332 patent is greater than that of the Lee '236 patent.

Claims 2-4 depend at least indirectly from claim 1, respectively, and thus at least similarly distinguish over the combination of the Lee '236 and the Veenis '332 patents.

By failing to disclose all elements of the claims, the combination of the Lee '236 and the Veenis '332 patents, and therefore the rejection, is improper. Withdrawal of the rejection is requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-16 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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